

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
PECOS DIVISION**

**UNITED STATES OF AMERICA**

§

§

**v.**

§

**P-17-CR-54**

§

**NICHOLAS KYLE MARTINO,  
Defendant.**

§

§

**ORDER ADOPTING THE REPORT AND RECOMMENDATION**

On this date the Court considered the United States Magistrate Judge's Report and Recommendation (R&R), filed May 22, 2017, in the above-numbered and styled case. (Doc. 26). The Court adopts the Magistrate Judge's recommendation that the Joint Agreement as to Restitution be APPROVED.

On April 12, 2017, Defendant was sentenced to five years' probation after pleading guilty to four counts of interstate threats to injure a person in violation of 18 U.S.C. § 875(c). (Doc. 19). Due to a dispute between the parties concerning the restitution amount, this Court postponed ruling on restitution pending a hearing by the Magistrate Judge. On May 12, 2017, prior to the scheduled hearing, the parties entered into a joint agreement as to the total amount of restitution owed. (Doc. 25). On May 22, 2017, the Magistrate Judge issued his R&R, recommending that the parties' restitution agreement be approved. (Doc. 26).

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file his written objections within fourteen (14) days after being served with a copy of the findings and recommendations. 28 U.S.C. §636(b)(1). Because no party has timely objected to the Magistrate Judge's R&R, the Court need not conduct a *de novo* review. *See* 28 U.S.C. §636(b)(1) ("A judge of the Court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.").

Neither party filed any objections in this case; therefore, *de novo* review is not triggered. As *de novo* review has not been triggered, this Court will conduct a review under the clearly erroneous or contrary to law standards.

The Court has reviewed the R&R and finds it to be neither clearly erroneous nor contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam). Accordingly, the Court ADOPTS the Magistrate Judge's R&R (Doc. 26) and the Joint Agreement as to Restitution is APPROVED. (Doc. 25).

**It is so ordered.**

SIGNED this 9th day of June, 2017.



ROBERT JUNELL  
SENIOR U. S. DISTRICT JUDGE